

## **Remarks**

### **Status of the Claims**

Claims 1, 2, 5-22, 25-42 and 45-64 are pending in the application. All pending claims stand rejected. By this paper, claims 1, 8, 21, 28, 41, 48, and 61-64 have been amended. In addition, new claims 65-70 have been added. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for immediate allowance. Reconsideration of the claims is therefore respectfully requested.

### **Claim Objections**

Claims 8, 28, and 48 stand objected to because they depend from cancelled claims. Applicant has amended each of these claims such that they now depend from new claims reciting the subject matter of the cancelled claims from which they previously depended. Applicant therefore respectfully requests withdrawal of these claim objections.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 20, 40, and 60 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In response, Applicant has amended the specification to include language corresponding to the language in claims 20, 40, and 60 that indicates that the caching of the video signals may occur at the non-video-enabled device (the “second device”). Given that claims 20, 40, and 60 are

original claims, this amendment to the specification does not introduce new matter. See MPEP § 608.04; MPEP § 608.01(I).

#### Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 6-12, 14-22, 26-32, 34-42, 46-52, 54-60, and 63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by “Bruno et al.” It is unclear to Applicant whether the Examiner is referring to U.S. Patent No. 5,710,591 issued to Bruno et al. (“Bruno ‘591”) or U.S. Patent No. 6,020,915 issued to Bruno et al. (“Bruno ‘915”). However, as set forth below, neither of the Bruno references disclose or suggest each of the limitations of any of the pending independent claims.

#### Bruno ‘915 Wholly Fails to Disclose or Suggest Caching Video Signals Generated by a First Device in Response to Determining that a Second Device is Not Capable of Displaying Video Signals.

Bruno ‘915 is cited in the Notice of References Cited provided with the Office Action. However, none of the passages from Bruno ‘915 cited by the Examiner indicate that caching of video signals is accomplished in response to determining that a device is non-video enabled. In fact, to the contrary, Bruno ‘915 is clear throughout that it makes no attempt to store a video signal in response to such a determination being made.

Bruno ‘915 discloses providing a videoconference system that allows for accommodation of a voice-only user. In particular, a database is created have images of analog voice-only users who are authorized to use the videoconference system. Col. 2, lines 60-64. Once a voice-only user in the database calls into the system and is identified, the image of that user is then displayed to other participants of the

videoconference during the periods of time in which the identified voice-only user is speaking. Col. 2, line 60 through col. 3, line 4; col. 7, lines 14-35. This is the only action that is taken in response to determining that a voice-only user is present.

The Examiner maintains that the claimed caching limitation is inherently performed during a videoconference. Office Action, page 4 (“[T]he Examiner notes that the video signals of Bruno et al. are always stored for subsequent retrieval.”). However, even assuming, *arguendo*, that this is true, there is no indication whatsoever that a caching operation would be initiated by the Bruno system in response to determining that a voice-only user is participating. To the contrary, as discussed above, upon determining that a voice-only user has joined, Bruno simply retrieves and displays an image of the voice-only user to the other participants. It does not, in response to this determination, cache any video signals from any of the other participants for subsequent display. To the extent that the Bruno system can be considered to cache the video signals from the video-enabled participants, that caching takes place continuously without regard to whether a voice-only user is participating, let alone in response to an indication that a voice-only user is participating.

Bruno ‘591 Also Fails to Disclose or Suggest Caching Video Signals in Response to Determining that a Connected Device is Not Capable of Displaying Video Signals.

Although Bruno ‘915 was cited in the Notice of References Cited, the column/line cites provided by the Examiner appear to be from Bruno ‘591. In any event, Bruno ‘591 also fails to disclose or suggest each of the limitations of any of the pending independent claims.

Bruno '591 discloses a system for recording and indexing content from a videoconference. Bruno '591, like Bruno '915, does disclose participation in the videoconference by voice-only participants. However, Bruno '591 also contains no disclosure regarding storing a video signal in response to a determination being made that a connected device is not capable of receiving video signals. In fact, to the contrary, Bruno '591 is clear that only those conference call participants ("accessors") that have video capability will be able to receive and view a video signal. See, e.g., col. 9, lines 55-57 ("Of course, **if the accessor does have video capability**, then video information can be retrieved as well.") (emphasis added); col. 9, lines 44-48 (indicating that "if the accessor does not have video capability at his workstation, the accessor **may only receive data, audio and/or text** . . . from the stored multimedia conference record") (emphasis added).

Storing a video signal upon determining that a device with which a communication session has been initiated is non-video-enabled is counter-intuitive to one having ordinary skill in the art. Once a determination has been made that a device with which communication has been established is not video enabled, the intuition of someone having ordinary skill in the art would be to shut down or discard the video signal from the video-enabled device. The user of the non-video-enabled device would, after all, be unable to view the video signal due to the inherent limitations in the device he or she is using. The teachings of Bruno '591 and Bruno '915 are in accordance with this conventional thinking.

Any signals recorded in the Bruno systems are recorded regardless of whether any of the participants have non-video-enabled communication devices. Applicant's

claimed invention, by stark contrast, only stores signals in response to a determination being made that at least one participant in a communication has a non-video-enabled device. Memory is therefore not wasted on storing video signals that have already been viewed by each participant in the video conference. Both of the cited Bruno references therefore fail to support an anticipation rejection of the pending independent claims.

#### Claim Rejections – 35 U.S.C. § 103

Independent claims 61, 62, and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruno et al. in view of U.S. Patent No. 6,151,490 issued to Schultheiss (“Schultheiss”). The Examiner again relies upon “Bruno et al.” for disclosing the element of caching signals in response to determining that a connected device is non-video enabled. As discussed above, this reliance is in error, regardless of which Bruno is used. Neither Bruno reference contains any indication whatsoever that a caching operation could begin in response to determining that a non-video-enabled user is present.

#### Conclusion

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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